

Amendments to the Claims

The following listing of claims will replace all prior versions, and listings, of claims in the application:

1. (Currently amended) An apparatus for diverting digestive secretions, the apparatus comprising: ~~a tube which when deployed is positioned substantially within the small intestine, the tube comprising:~~
 - a) an anchor adapted to be positioned in the duodenum adjacent the major duodenal papilla, said anchor being further adapted to define an annulus between the anchor and the duodenum wall when positioned in the duodenum;
 - b) a tube comprising a proximal end in fluid communication with the annulus and being a proximal end which when deployed is operative to receive digestive secretions discharged from the major duodenal papilla into the annulus;
 - b) — a distal end which when deployed is operative to discharge the digestive secretions into the alimentary tract; and
 - c) — a tube wall having an inner surface and an outer surface, the tube wall inner surface defining passage extending between the proximal and distal ends; ~~wherein whereby~~ when deployed the passage is operative to transfer the digestive secretions from the proximal end to the distal end and said tube wall is ~~operative to separate~~ the digestive secretions from food in the small intestine.
2. (Cancelled).
3. (Cancelled).
4. (Cancelled).

5. (Cancelled).
6. (Cancelled).
7. (Cancelled).
8. (Cancelled).
9. (Cancelled).
10. (Cancelled).
11. (Currently amended) The apparatus of claim 414, wherein the tube wall is substantially impermeable.
12. (Currently amended) The apparatus of claim 414, wherein the tube wall is at least partially permeable to water.
13. (Original) The apparatus of claim 12, wherein the tube wall has an osmotic gradient.
14. (Currently amended) An apparatus to facilitate nutritional malabsorption by diverting ~~bile and pancreatic digestive~~ secretions, the apparatus comprising:
 - a) an expanding stent adapted for engaging an anatomical lumen selected from the group consisting of the hepatopancreatic ampulla, the bile duct, and the pancreatic duct;
 - b) an elongate tube extending distally beyond the expanding stent, the elongate tube comprising a proximal end connected to the expanding stent, a distal end, a flexible tube wall having an inner surface and an

outer surface, and a passage extending between the proximal end and distal end and being defined by the inner surface of the wall;

b) ~~a stent connected to the proximal end of the tube, said stent being dimensioned for engaging an anatomical lumen through which digestive secretions flow;~~

~~wherein whereby~~ when deployed in a patient the stent is positioned in the anatomical lumen, a substantial portion of the tube is positioned in the small intestine, and the ~~bile and pancreatic~~digestive secretions of the patient enter the proximal end, flow through the passage and discharge from the distal end into the ~~small intestine or large intestine~~ thereby reducing digestive contact between the ~~bile and pancreatic~~digestive secretions and food in the ~~small intestine~~.

15. (Cancelled).

16. (Currently amended) The apparatus of claim 1514, wherein the tube is a sufficient length so that when deployed the distal end of the tube is positioned in the jejunum.

17. (Currently amended) The apparatus of claim 1514, wherein the tube is a sufficient length so that when deployed the distal end of the tube is positioned in the ileum.

18. (Cancelled).

19. (Cancelled).

20. (Withdrawn).

21. (Withdrawn).

22. (Withdrawn).

23. (Withdrawn).

24. (Withdrawn).

25. (Withdrawn).

26. (New) A diversionary tube adapted for insertion in the alimentary tract thereby facilitating nutritional malabsorption, the diversionary tube comprising:

- a) a proximal end dimensioned to be positioned in the duodenal papilla and adapted to engage the hepatopancreatic ampulla, the bile duct, or the pancreatic duct;
- b) a distal end adapted to be positioned in the alimentary tract distally relative the duodenal papilla; and
- c) a tube wall being at least partially impermeable to digestive secretions, the tube wall defining a passage extending between the proximal and distal ends.

27. (New) The diversionary tube of claim 26, further comprising means for anchoring the proximal end in the duodenal papilla.

28. (New) The diversionary tube of claim 26, wherein the distal end is adapted to be positioned in the jejunum.

29. (New) The diversionary tube of claim 26, wherein the distal end is adapted to be positioned in the ileum.

30. (New) The diversionary tube of claim 26, wherein the proximal end comprises a stent.

31. (New) The diversionary tube of claim 30, wherein the stent is generally Y-shaped.
32. (New) The diversionary tube of claim 30, wherein the stent comprises a sleeve.
33. (New) The diversionary tube of claim 26, wherein the tube wall is substantially impermeable.
34. (New) The diversionary tube of claim 26, wherein the tube wall has an osmotic gradient.
35. (New) The apparatus of claim 1, wherein the anchor comprises a stent.
36. (New) The apparatus of claim 35, wherein the stent is lined.
37. (New) The apparatus of claim 36, wherein the lined stent is generally hourglass-shaped.
38. (New) The apparatus of claim 14, wherein the stent is generally Y-shaped.
39. (New) The apparatus of claim 14, wherein the stent is lined.
40. (New) The apparatus of claim 39, wherein the lined material is the same material as the tube wall.
41. (New) The apparatus of claim 14, wherein the tube wall further comprises a stiffening component.
42. (New) The apparatus of claim 14, wherein the tube wall is semi-permeable to digestive secretions.

43. (New) The apparatus of claim 14, wherein the tube wall is biodegradable.